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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/813,926

03/20/2001

Robert Douglas Werner

P2660-730

1841

62665

7590

01/07/2010

BUCHANAN INGERSOLL & ROONEY, PC

P.O. BOX 1404

ALEXANDRIA, VA 22313-1404

EXAMINER

STRANGE, AARON N

ART UNIT

PAPER NUMBER

2448

NOTIFICATION DATE

DELIVERY MODE

01/07/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

<b>Office Action Summary</b>	<b>Application No.</b> 09/813,926	<b>Applicant(s)</b> WERNER ET AL.	
	<b>Examiner</b> AARON STRANGE	<b>Art Unit</b> 2448	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-23, 26-44, 46, 47, 49-57, 59-78, 80, 81, 83-90, 93-112, 114-125 and 127-140 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

Continuation of Disposition of Claims: Claims pending in the application are 1-11,13-23,26-44,46,47,49-57,59-78,80,81,83-90,93-112,114-125 and 127-140.

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments, see pp. 2-5, filed 10/26/2009, with respect to all pending rejections under 35 U.S.C. § 103(a) have been fully considered and are persuasive. Accordingly, those rejections have been withdrawn.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-11,13-23,26-44,46,47,49-57,59-78,80,81,83-90,93-112,114-125 and 127-140 (all pending claims) are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Applicant's amendments have left numerous limitations in various claims lacking antecedent basis. It appears that Applicant may have intended for many of the dependent claims to depend from previously added claims 137-140. However, Applicant has failed to amend these claims, despite receiving notice of these deficiencies in the Office action of 6/24/2009 (§3-5).

The following is an **incomplete** listing of several exemplary claims which have claim terms lacking antecedent basis:

Art Unit: 2448

- a. Claim 1: "said displaying in response to said first instruction" in line 18.
- b. Claim 1: "said viewing screen" in line 19.
- c. Claim 9: "said displaying in response to said second instruction" in line 3.
- d. Claim 13: "said displaying said status indicator" in lines 1-2.
- e. Claim 14: "said displaying said status indicator" in lines 1-2.
- f. Claim 15: "said displaying in response to said second instruction" in line 3.
- g. Claim 18: "said displaying in response to said second instruction" in line 3.
- h. Claim 21: "said displaying in response to said second instruction" in line 3.
- i. Claim 22: "said displaying said status indicator" in lines 1-2.
- j. Claim 23: "said displaying said status indicator" in lines 1-2.
- k. Claim 27: "said displaying in response to said second instruction" in line 3.
- l. Claim 27: "said displaying in response to said third instruction" in lines 2-3.

Applicant should thoroughly review **ALL CLAIMS** to ensure that the dependency is correct and that all claim terms have proper antecedent basis.

***Allowable Subject Matter***

- 5. Claims 1-11,13-23,26-44,46,47,49-57,59-78,80,81,83-90,93-112,114-125 and 127-140 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AARON STRANGE whose telephone number is (571)272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on 571-272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aaron Strange/  
Primary Examiner, Art Unit 2448